

REGISTER OF ACTIONS[CASE No. D-1010-CV-2016-00073](#)

HI Lubbock, Inc. v. Century-National Insurance Company

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§
§
§Case Type: **Contract/Debt & Money Due**
Date Filed: **07/13/2016**
Location: **Quay County**
Judicial Officer: **Mitchell, Albert J., Jr.****PARTY INFORMATION**

Defendant	Century-National Insurance Company	Attorneys
Plaintiff	HI Lubbock, Inc.	Richard F. Rowley, II <i>Retained</i> 575-763-4457(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS		
07/13/2016	Cause Of Actions	Breach of Contract
	Action Type	Action
07/13/2016	Cause Of Actions	Debt and Money Due
	Action Type	Action
07/13/2016	OPN: COMPLAINT	
	<i>Complaint for Breach of Contract and Money Due</i>	
07/14/2016	Summons	
	Century-National Insurance Company	Unserved
08/01/2016	AFFIDAVIT OF MAILING	
	<i>Proof of Mailing</i>	

FINANCIAL INFORMATION

Plaintiff HI Lubbock, Inc.		
	Total Financial Assessment	117.00
	Total Payments and Credits	117.00
	Balance Due as of 08/17/2016	0.00
07/13/2016	Transaction Assessment	117.00
07/13/2016	File & Serve Payment Receipt # TUCD-2016-362	HI Lubbock, Inc. (117.00)

EXHIBIT A

SUMMONS

District Court: Tenth Judicial District Quay County, New Mexico Court Address: 300 S. 3 rd Street Tucumcari, New Mexico 88401 Court Telephone No. 575-461-2764	Case No. D-1010-CV-2016-00073 Judge: Albert J. Mitchell, Jr.
HI LUBBOCK, INC., a New Mexico Corporation, formerly Ram Kabir, Inc., a New Mexico Corporation d/b/a Hampton Inn, Plaintiff, v. CENTURY-NATIONAL INSURANCE COMPANY, a California Corporation, Defendant.	DEFENDANT: Century-National Insurance Company 16650 Sherman Way Van Nuys, California 91406-3782

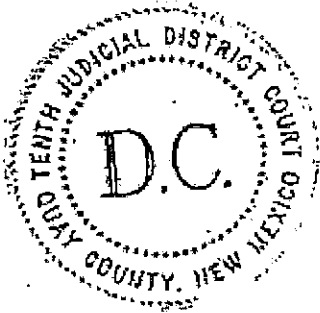
TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons.

(The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.

3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Clovis, New Mexico, this 14th day of July, 2016.



CLERK OF THE DISTRICT COURT
By: Terly Jasper
Deputy

Attorneys for Plaintiff or Plaintiff Pro Se:

Richard F. Rowley II
Attorney at Law
Rowley Law Firm, LLC
Post Office Box 790
305 Pile
Clovis, New Mexico 88102-0790
Telephone: 575-763-4457
E-mail: r2@rowleylawfirm.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

STATE OF NEW MEXICO)
) ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of Complaint attached, in the following manner:

[] to the defendant _____ (used when Defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing first class mail to the defendant (insert defendant's business address) at _____ and by mailing the summons and complaint by first class mail to the defendant at _____ (insert defendant's last known mailing address).

[] to _____, [parent] [guardian] [custodian] [guardian ad litem] of
defendant _____ (insert when defendant is a minor or an
incompetent person).

[] to _____ (name of person) _____ (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico, or any political subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, 2016.

**Judge, notary or other officer
authorized to administer oaths**

Official title

FILED IN MY OFFICE
DISTRICT COURT CLERK
7/13/2016 1:34:34 PM
Perfy Jasper

STATE OF NEW MEXICO
COUNTY OF QUAY
TENTH JUDICIAL DISTRICT

HI LUBBOCK, INC., a New Mexico Corporation,
formerly Ram Kabir, Inc., a New Mexico Corporation,
d/b/a Hampton Inn,

Plaintiff,

v.

No. D-1010-CV-2016-00073

CENTURY-NATIONAL INSURANCE COMPANY,
a California Corporation,

Defendant.

COMPLAINT FOR BREACH OF CONTRACT AND MONEY DUE

COMES NOW the Plaintiff, HI Lubbock, Inc., a New Mexico Corporation,
formerly Ram Kabir, Inc., a New Mexico Corporation, and for its Complaint for Money
Due states and alleges as follows:

1. Plaintiff, HI Lubbock, Inc. is a New Mexico Corporation, with its principal
office located in Tucumcari, Quay County, New Mexico and transacts business as
Hampton Inn. Plaintiff's corporate name was formerly Ram Kabir, Inc., a New Mexico
Corporation, however, the Articles of Incorporation were amended and filed with the
New Mexico Secretary of State on December 24, 2014. A copy of the Certificate of
Amendment is marked Exhibit "A", attached hereto and made a part hereof by
reference.

JUL 21 2016

EXHIBIT A

2. Defendant, Century-National Insurance Company, is a company selling commercial insurance products in the State of New Mexico, with its corporate offices located in Van Nuys, California.

3. On or about February 1, 2014 the Defendant entered into a Commercial Package Policy contract insuring the Plaintiff's hotel known as the Hampton Inn located at 3409 E. Tucumcari Blvd. in Tucumcari, New Mexico. The policy number was 77A2001964-00 and the policy period of coverage was February 1, 2014 to February 1, 2015. In addition to covering fire and extended coverage, the policy included Business Income Coverage.

4. The Plaintiff's Hampton Inn located in Tucumcari, New Mexico was destroyed by fire on July 16, 2014.

5. Plaintiff timely filed a claim against Defendant for its loss pursuant to the aforementioned policy. The Defendant issued its Claim No. 2014-0664-77A and since that date the Plaintiff and Defendant have attempted to negotiate a settlement of Plaintiff's loss and resulting claim under the policy with limited success.

6. Plaintiff and Defendant have not been able to resolve all of Plaintiff's claims, including the amount Plaintiff should be paid by Defendant under the Business Income Coverage provisions of the policy.

7. Plaintiff believes that it is entitled to and should be paid an amount substantially in excess of the amount currently offered by the Defendant.

8. Defendant's failure to pay the damages called for in the policy in force is a breach of the insurance contract by the Defendant.

9. Defendant is also entitled to an award of money for reasonable attorney fees incurred by it in the prosecution of this matter.

WHEREFORE, Plaintiff, HI Lubbock, Inc., a New Mexico Corporation, formerly Ram Kabir, Inc., a New Mexico Corporation, d/b/a Hampton Inn, prays that the Court determine the amounts that Plaintiff should be paid by Defendant, Century - National Insurance Company, under the provisions of the aforementioned insurance policy, for its costs and attorney fees and for such other relief as the Court deems proper.

ROWLEY LAW FIRM, LLC

By: 

Richard F. Rowley II

Post Office Box 790

305 Pile

Clovis, New Mexico 88102-0790

Telephone: 575-763-4457

E-mail: r2@rowleylawfirm.com



STATE OF NEW MEXICO
DIANNA J. DURAN
SECRETARY OF STATE

January 9, 2015

RAM KABIR, INC.
P.O. BOX 1045
TUCUMCARI NM 88401

RE: HI LUBBOCK, INC.

Entity ID: 1589514

The Office of the Secretary of State has approved and filed the Articles Of Amendment for the above captioned corporation effective December 24, 2014. The enclosed CERTIFICATE OF AMENDMENT is evidence of filing, and should become a permanent document of the corporations records.

The referenced approval does not constitute authorization for the above referenced organization to transact any business which requires compliance with other applicable federal or state laws, including, but not limited to, state licensing requirements. It is the organizations's sole responsibility to obtain such compliance with all legal requirements applicable thereto prior to engaging in the business for which it has obtained approval of the referenced document.

Your canceled check, as validated by this office, is your receipt. If you have any questions please contact the Corporations Bureau at (505) 827-4508 or toll free at 1-800-477-3632 for assistance.

Corporations Bureau

325 DON GASPAR, SUITE 300, SANTA FE, NEW MEXICO 87501 PHONE: (505) 827-4508 FAX: (505) 827-4387
(800) 477-3632 www.sos.state.nm.us



EXHIBIT JUL 21 2016

OFFICE OF THE SECRETARY OF STATE

NEW MEXICO

CERTIFICATE OF AMENDMENT

OF

HI LUBBOCK, INC.

1589514

NEW MEXICO

The Office of the Secretary of State certifies that the Articles Of Amendment, duly signed and verified pursuant to the provisions of the

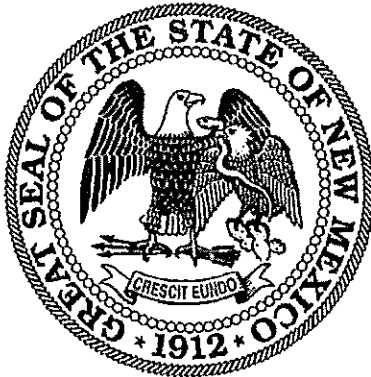
Business Corporation Act

(53-11-1 To 53-18-12 NMSA 1978)

have been received and are found to conform to law. Accordingly, by virtue of the authority vested in it by law, the Office of the Secretary of State issues this CERTIFICATE OF AMENDMENT and attaches hereto a duplicate of the Articles Of Amendment.

Dated: **December 24, 2014**

In testimony whereof, the Office of the Secretary of State has caused this certificate to be signed on this day in the city of Santa Fe, and the seal of said office to be affixed hereto.



A handwritten signature in cursive script, reading "Dianna J. Duran", is written over a horizontal line.

Dianna J. Duran
Secretary of State

EXHIBIT A

JUL 21 2016



New Mexico
Secretary of State

325 Don Gaspar, Suite 300 • Santa Fe, NM 87501
(800) 477-3032 • www.sos.state.nm.us

FILED
SOS
Corporation Bureau

DEC 24



SUBMIT ORIGINAL AND A COPY
TYPE OR PRINT LEGIBLY

**Profit Corporation
ARTICLES OF AMENDMENT
TO THE ARTICLES OF INCORPORATION**

Pursuant to the provisions of the New Mexico Business Corporation Act, the undersigned corporation adopts the following Articles of Amendment for the purpose of amending its Articles of Incorporation:

ARTICLE ONE: The name of the corporation is (Include NM CORP#)
Ram Kabir, Inc. SCC #1589514

ARTICLE TWO: The following articles are amended as set forth here: *(Identify by article number and attach additional pages if necessary)*:

Article 1. The name of the Corporation is HI Lubbock, Inc.

ARTICLE THREE: (Select the applicable statement, and complete accordingly)

1,000 No shares have been issued, and the amendment was adopted by a resolution of the board of directors. The date the amendment was adopted was December 1, 2014.

OR

1,000 Shares have been issued, and the amendment was adopted by a majority vote of the shareholders entitled to vote.

The number of shares issued at the time of such adoption was
1,000

The number of shares entitled to vote was
1,000

The number of shares that voted for the amendment was
1,000

The number of shares that voted against the amendment was
None

The date the amendment was adopted was
December 1, 2014

ARTICLE FOUR (Complete only if applicable): The manner in which any exchange, reclassification, or cancellation of issued shares provided for in the amendment shall be effected is as follows: N/A

Corporation Bureau

DEC 24 2014

EXHIBIT A

JUL 21 2016



New Mexico
Secretary of State

325 Don Gaspar, Suite 300 • Santa Fe, NM 87501
(800) 477-3032 • www.sos.state.nm.us

FILED
SOS
Corporation Bureau

DEC 24 2014

ARTICLE XVII: If these Articles of Amendment are not to be effective upon filing with the Secretary of State, the effective date is: January 1, 2015
(If an effective date is specified here, it cannot be a date prior to the date the articles are received by the commission) N/A

Dated: 12-1-14

Ram Kablr, Inc.
Name of Corporation

By [Signature]
Signature of Authorized Officer

Form DPR-AM
(revised 6/13)

RECEIVED
CORPORATION BUREAU
DEC 24 2014

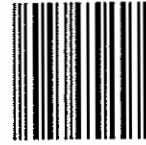
EXHIBIT A

JUL 21 2016

R Since 1934
ROWLEY LAW FIRM, LLC
PO Box 790
Clovis, NM 88102-0790



1000



91406

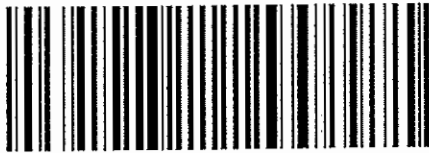
U.S. POSTAGE
PAID
CLOVIS, NM
88101
JUL 14, 16
AMOUNT

\$6.89

R2304W120382-05

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL®



7015 1660 0001 0198 8850

Century-National Insurance Company
16650 Sherman Way
Van Nuys, California 91406-3782

RETURN RECEIPT
REQUESTED

JUL 21 2016

914063782 0025

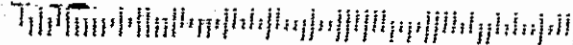


EXHIBIT A

STATE OF NEW MEXICO
COUNTY OF QUAY
TENTH JUDICIAL DISTRICT

Barbara Lopez

HI LUBBOCK, INC., a New Mexico
Corporation, formerly Ram Kabir, Inc.,
a New Mexico Corporation d/b/a
Hampton Inn,

Plaintiff,

v.

No. D-1010-CV-2016-00073

CENTURY - NATIONAL INSURANCE
COMPANY, a California Corporation,

Defendant.

PROOF OF MAILING

STATE OF NEW MEXICO

COUNTY OF CURRY: ss

COMES NOW the Plaintiff, Hi Lubbock, Inc., a New Mexico Corporation, formerly Ram Kabir, Inc., a New Mexico Corporation, d/b/a Hampton Inn, by and through its attorney of record, and certifies that a copy of the Summons and Complaint for Breach of Contract and Money Due filed in this matter was received by the Defendant listed below, as evidenced by the Return Receipt Card attached hereto:

*Century - National Insurance Company
Received on July 18, 2016*

ROWLEY LAW FIRM, LLC

By: 

Richard F. Rowley II
Post Office Box 790
305 Pile
Clovis, New Mexico 88102-0790
Telephone: 575-763-4457
E-mail: r2@rowleylawfirm.com

EXHIBIT A

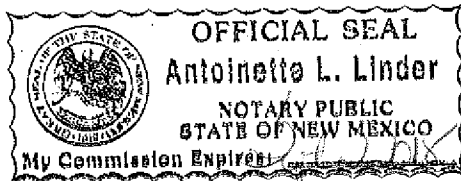
SUBSCRIBED and SWORN TO before me this 1st day of August, 2016.



Notary Public

(SEAL)

My Commission Expires: _____



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Century National Insurance Company 16650 Sherman Way Van Nuys, California 91406-3782</p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>	
<p>2. Article Addressed to:</p> <p>Century National Insurance Company 16650 Sherman Way Van Nuys, California 91406-3782</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>		<p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p> <p>Domestic Return Receipt</p>	

EXHIBIT A

ATTORNEYS

Jay J. Athey
Paul R. Bishop
Neil R. Blake
Felicia C. Boyd
Phillip W. Cheves
Michael P. Clemens
Maria S. Dudley
Brett C. Eaton
Jonathan A. Elms
Monica R. Garcia
Alfred L. Green, Jr.
Amy E. Headrick
James H. Johansen
Charles B. Kraft
Jane A. Laffin
Neysa E. Lujan
W. Ann Maggiore
M. Scott Owen
Agnes Fuentevilla Padilla
S. Carolyn Ramos
Julio C. Romero
Rheba Rutkowski
Quiana A. Salazar-King
Ryan T. Sanders
Rodney L. Schlagel
Raúl P. Sedillo
Marc T. Shuter
Scott F. Stromberg
Arslan S. Umarov

OF COUNSEL

Raymond A. Baehr
Rob T. Booms
Martin Diamond
Sherrill K. Filter
Norman L. Gagne
Glenna Hayes
Carlos G. Martinez
J. Duke Thornton
David N. Whitham

Paul L. Butt
(1930-2009)

Member of
ALFA INTERNATIONAL
THE GLOBAL LEGAL NETWORK



BUTT THORNTON & BAEHR PC
ATTORNEYS AT LAW

Established 1959

August 15, 2016

REFER TO: 58901.0003

Via Email to: r2@rowleylawfirm.com

Richard F. Rowley II, Esq.
Rowley Law Firm LLC
P.O. Box 790, 305 Pile
Clovis, NM 88102-0790
(575) 763-4457
r2@rowleylawfirm.com

Re: *HI Lubbock, Inc. v. Century-National Insurance Company,*
Cause No. D-1010-CV-2016-00073

Dear Richard:

I have been asked by Century-National Insurance Company to represent if in the above-referenced lawsuit. We are contemplating filing a Notice of Removal of this case to the United States District Court for the District of New Mexico, but I want to make certain there is a sufficient amount in controversy to meet diversity jurisdiction requirements.

There is no amount stated in the Complaint. Also, I have not reviewed any specific settlement demand made to Century-National, but my client recalls that your client's demand was well over \$100,000.

If your clients have reconsidered their settlement demands and are seeking an amount less than \$75,000, this case would not be removable to the United States District Court for the District of New Mexico. Thus, I have enclosed a copy of a Stipulation, whereby your two clients would stipulate that they will not seek and will not accept an amount exceeding \$75,000 in this lawsuit.

If we receive this signed Stipulation by August 17, 2016, we will not file a Notice of Removal to the United States District Court for the District of New Mexico.

EXHIBIT B

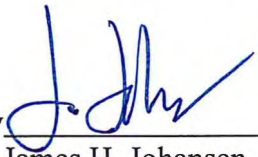
MAILING ADDRESS: P.O. Box 3170, Albuquerque, New Mexico 87190-3170
STREET ADDRESS: 4101 Indian School Road, NE, Suite 300 South, Albuquerque, New Mexico 87110
PHONE: 505.884.0777 **FAX:** 505.889.8870 **EMAIL:** btblaw@btblaw.com **WEB:** btblaw.com

Richard F. Rowley II, Esq.
August 15, 2016
Page 2

Thank you for your attention to this matter and I look forward to working with you in this case.

Sincerely yours,

BUTT THORNTON & BAEHR
A Professional Corporation

By 
James H. Johansen

JHJ
Enclosure

cc: Jay J. Athey

EXHIBIT B

**STATE OF NEW MEXICO
COUNTY OF QUAY
TENTH JUDICIAL DISTRICT**

HI LUBBOCK, INC., a New Mexico Corporation
formerly Ram Kabir, Inc., a New Mexico Corporation,
d/b/a Hampton Inn,

Plaintiff,

v.

No. D-1010-CV-2016-00073

CENTURY-NATIONAL INSURANCE COMPANY,
a California Corporation,

Defendant.

STIPULATION OF FACT

COMES NOW, Plaintiff, HI Lubbock, Inc., a New Mexico Corporation, f/k/a Ram Kabir, Inc. d/b/a Hampton Inn, and for its claims in the above-referenced action, and its counsel of record, Richard F. Rowley II, and hereby stipulates to the following as a clarification to the relief sought in Plaintiff's Complaint.

Plaintiff, HI Lubbock, Inc., will not demand or accept a total recovery or verdict in excess of \$75,000.00, including compensatory damages, punitive damages, and attorney fees, for all damages associated with the facts and claims identified in Plaintiff's Complaint for Breach of Contract and Money Due.

For Plaintiff, HI Lubbock, Inc.

By _____

Its _____

EXHIBIT B

Richard F. Rowley II, Esq.
Rowley Law Firm LLC
P.O. Box 790
305 Pile
Clovis, NM 88102-0790
(575) 763-4457
r2@rowleylawfirm.com
Attorney for Plaintiff HI Lubbock, Inc.